

117TH CONGRESS  
1ST SESSION

# H. R. 6209

To improve information collection and reporting on sexual assaults and racial and ethnic demographics in the military justice system, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 9, 2021

Mr. BROWN of Maryland (for himself, Ms. STRICKLAND, and Mr. JONES) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To improve information collection and reporting on sexual assaults and racial and ethnic demographics in the military justice system, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*

2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Military Justice Re-

5       porting Improvement Act”.

1   **SEC. 2. INCLUSION OF RACE AND ETHNICITY IN ANNUAL**  
2                 **REPORTS ON SEXUAL ASSAULTS; REPORTING**  
3                 **ON RACIAL AND ETHNIC DEMOGRAPHICS IN**  
4                 **THE MILITARY JUSTICE SYSTEM.**

5         (a) ANNUAL REPORTS ON RACIAL AND ETHNIC DE-  
6         MOGRAPHICS IN THE MILITARY JUSTICE SYSTEM.—

7                 (1) IN GENERAL.—Chapter 23 of title 10,  
8         United States Code, is amended by inserting after  
9         section 485 the following new section:

10   **“§ 486. Annual reports on racial and ethnic demo-**  
11         **graphics in the military justice system**

12         “(a) IN GENERAL.—Not later than March 1 of each  
13         year, the Secretary of each military department shall sub-  
14         mit to the Secretary of Defense a report on racial, ethnic,  
15         and sex demographics in the military justice system dur-  
16         ing the preceding year. In the case of the Secretary of  
17         the Navy, separate reports shall be prepared for the Navy  
18         and for the Marine Corps. In the case of the Secretary  
19         of the Air Force, separate reports shall be prepared for  
20         the Air Force and for the Space Force.

21         “(b) CONTENTS.—The report of a Secretary of a  
22         military department for an Armed Force under subsection  
23         (a) shall contain, to the extent possible, statistics on of-  
24         fenses under chapter 47 of this title (the Uniform Code  
25         of Military Justice), during the year covered by the report,  
26         including—

1           “(1) the number of offenses in the Armed  
2         Force that were reported to military officials,  
3         disaggregated by—

4           “(A) statistical category as related to the  
5         victim; and

6           “(B) statistical category as related to the  
7         principal;

8           “(2) the number of offenses in the Armed  
9         Forces that were investigated, disaggregated by sta-  
10         tistical category as related to the principal;

11          “(3) the number of offenses in which adminis-  
12         trative action was imposed, disaggregated by statis-  
13         tical category as related to the principal and each  
14         type of administrative action imposed;

15          “(4) the number of offenses in which non-  
16         judicial punishment was imposed under section 815  
17         of this title (article 15 of the Uniform Code of Mili-  
18         tary Justice), disaggregated by statistical category  
19         as related to the principal;

20          “(5) the number of offenses in which charges  
21         were preferred, disaggregated by statistical category  
22         as related to the principal;

23          “(6) the number of offenses in which charges  
24         were referred to court-martial, disaggregated by sta-

1       stistical category as related to the principal and type  
2       of court-martial;

3           “(7) the number of offenses which resulted in  
4       conviction at court-martial, disaggregated by statis-  
5       tical category as related to the principal and type of  
6       court-martial; and

7           “(8) the number of offenses which resulted in  
8       acquittal at court-martial, disaggregated by statis-  
9       tical category as related to the principal and type of  
10      court-martial.

11       “(c) SUBMISSION TO CONGRESS.—Not later than  
12 April 30 of each year in which the Secretary of Defense  
13 receives reports under subsection (a), the Secretary of De-  
14 fense shall forward the reports to the Committees on  
15 Armed Services of the Senate and the House of Represent-  
16 atives.

17       “(d) DEFINITIONS.—In this section:

18           “(1) The term ‘statistical category’ means each  
19       of the following categories:

20                  “(A) Race.

21                  “(B) Sex.

22                  “(C) Ethnicity.

23                  “(D) Rank.

1                 “(E) offense enumerated under chapter 47  
2                 of this title (the Uniform Code of Military Jus-  
3                 tice).

4                 “(2) The term ‘principal’ has the meaning given  
5                 that term in section 877 of this title (article 77 of  
6                 the Uniform Code of Military Justice).”.

7                 (2) CLERICAL AMENDMENT.—The table of sec-  
8                 tions at the beginning of chapter 23 of such title is  
9                 amended by inserting after the item relating to sec-  
10                 tion 485 the following new item:

“486. Annual reports on racial and ethnic demographics in the military justice system.”.

11                 (b) POLICY REQUIRED.—

12                 (1) REQUIREMENT.—Not later than two years  
13                 after the date of the enactment of this Act, the Sec-  
14                 retary of Defense shall prescribe a policy requiring  
15                 information on the race and ethnicity of accused in-  
16                 dividuals to be included to the maximum extent  
17                 practicable in the annual report required under sec-  
18                 tion 1631 of the Ike Skelton National Defense Au-  
19                 thorization Act for Fiscal Year 2011 (Public Law  
20                 111–383; 10 U.S.C. 1561 note).

21                 (2) EXCLUSION.—The policy prescribed under  
22                 paragraph (1) may provide for the exclusion of such  
23                 information based on privacy concerns, impacts on  
24                 accountability efforts, or other matters of impor-

1           tance as determined and identified in such policy by  
2           the Secretary.

3           (3) PUBLICLY AVAILABLE.—The Secretary of  
4           Defense shall make publicly available the informa-  
5           tion described in paragraph (1), subject to the exclu-  
6           sion of such information pursuant to paragraph (2).

7           (4) SUNSET.—The requirements of this sub-  
8           section shall terminate on May 1, 2028.

